REMARKS

Applicants have carefully considered the October 2, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-10 are pending in this application. In response to the Office Action dated October 2, 2006, claims 1, 2, 5, 9 and 10 have been amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1-5 and 8-10 were rejected under 35 U.S.C. § 102(e) as being anticipated over Sasaki et al. (U.S. Pat. No. 7,068,146, hereinafter "Sasaki"). Applicants respectfully traverse.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221

USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Moreover, there are significant differences between the claimed invention and the method and device disclosed by that would preclude the factual determination that identically describes the claimed inventions within the meaning of 35 U.S.C. § 102.

One important feature of the present invention is that a controller is arranged to (1) compare a first lock/unlock state detected by the door lock state detector during the door open state with a second lock/unlock state detected by the door lock state detector at a moment when an open/close state is changed from an open state to a closed state; (2) to maintain the state of the door lock mechanism when the first lock/unlock state equals to the second lock/unlock state; and (3) to set the state of the door lock mechanism at the first lock/unlock state when the first lock/unlock state does not equal to the second lock/unlock state.

With this arrangement of the door lock/unlock system according to the present invention, it becomes possible to prevent unintended lock or unlock of the door, such as the state change due to the impact caused by closing the door.

Sasaki discloses a vehicle door lock apparatus, which executes a door lock by operating a door lock actuator when all doors of a vehicle is closed.

The Examiner asserted that Sasaki discloses the aforementioned feature (1) of the present invention. However, at the corresponding part of col. 3 lines 1-20 of Sasaki, there is disclosed a feature of determining whether or not a driver's seat side is closed when a door lock request is received, and a feature of conducting door locking after all doors are closed, when the door lock request is received and it is determined that the door on the driver's side is closed. Applicants submit that these two features fail to remotely correspond to the feature (1) of the present application, namely comparing the first lock/unlock state during the door open state with the

second lock/unlock state at the moment when an open/close state is changed from an open state to a closed state.

Similarly, although the Examiner asserted that col. 4 lines 8-11 of Sasaki discloses feature (2) of the present invention, Applicants respectfully disagree. This section relied on by the Examiner merely discloses the step of not locking the door when the door lock request is not received by the time a predetermined time has elapsed, since the door on the driver's side is closed. This feature is clearly different from the feature (2) of the present invention which maintains the state of the door lock mechanism when the first lock/unlock state equals to the second lock/unlock state.

Furthermore, the Examiner asserted that Sasaki discloses feature (3) of the present invention, by stating that Sasaki discloses a key state detecting switch 16 to prevent locking of the door when the door is open. However, according to the description at col. 11 lines 46-48 of Sasaki, a determination as to whether or not an ignition key is inserted in a key cylinder is based on a signal detected by a key state detection switch 16. In other words, the key state detecting switch 16 merely detects whether or not the key is inserted in the key cylinder, and fails to correspond to the feature (3) of the present invention.

Consequently, Sasaki fails to disclose or remotely suggest an important feature of the present invention, which prevents unintended lock or unlock of the door, such as the state change due to the impact caused by closing of the door.

The above argued differences between the claimed method and systems and the Sasaki disclosure undermines the factual determination that Sasaki discloses the method and systems identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster*

Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 U.S.P.Q. 86 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1-5 and 8-10 under 35 U.S.C. § 102(e) for lack of novelty as evidenced by Sasaki is not factually viable and, hence, solicit withdrawal thereof.

Dependent claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of Yamazaki (U.S. Pat. No. 5,621,251, hereinafter "Yamazaki"). Applicants respectfully traverse.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(a) predicated upon Sasaki. The secondary reference to Yamazaki does not cure the argued deficiencies of Sasaki. Thus, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed invention will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Reconsideration and withdrawal of the rejection are solicited.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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